

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

UNITED STATES OF AMERICA,)	
)	
vs.)	CRIMINAL CASE NO.: 3:01-299-02
)	
DARRYL E. TUCKER,)	Consent Motion for Variance from
)	the Sentencing Guidelines
DEFENDANT.)	
)	
)	
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COMES NOW the defendant, Darryl Tucker, by and through undersigned counsel, and with the consent of the Government, respectfully requests an eleven level variance from the sentencing guidelines. All parties agree that this departure will allow the court to sentence the defendant to the statutory mandatory minimum term of incarceration of two hundred-forty months.

On January 27, 2000, Darryl Tucker was arrested for possession of narcotics with intent to distribute and weapons possession. On March 6, 2001, Mr. Tucker was indicted in a six-count indictment alleging four counts of possession with intent to distribute cocaine and “crack” and two counts of illegal weapons possession. On October 17, 2001, the defendant was convicted of all charges by a jury. On November 29, 2001, the original pre-sentence report was prepared and on February 13, 2002, the report was revised. The defendant subsequently objected to the pre-sentence report. Since that time, Mr. Tucker and the Government have agreed that in exchange for a withdrawal of all objections, the Government will join in the defendant’s request for a sentence of two-hundred forty months.

When determining a proper sentence, guidelines suggest the court shall consider “the nature and circumstances of the offense and the history and characteristics of the defendant.” U.S.S.G. §

3553(a)(1). All parties respectfully request that the court consider Mr. Tucker's situation from the time of his arrest to now. While in pre-trial confinement and distraught over his crimes, Mr. Tucker unsuccessfully attempted to take his own life. After that tragic incident, he was placed under psychiatric care. Under doctor's care, he is now taking medication to help cope with depression. This is the first time that Mr. Tucker's issues have been treated by a doctor. The medication, and other treatments, have assisted the defendant in making a remarkable transformation. Since the time he was arrested and confined, he has not exhibited violent or unruly behavior. A peaceful and stable man, Mr. Tucker has been found competent to stand trial.

Based on the foregoing, the defendant respectfully requests that this court take into account the steps he has taken to better himself and grant him an eleven level variance and sentence him to the statutory minimum sentence of two hundred-forty months.

s/ Gregory P. Harris
GREGORY P. HARRIS (#1739)
1720 Main Street, Suite 301
Columbia, South Carolina 29201
(803) 779-7080

s/ John Delgado
JOHN DELGADO (#488)
914 Richland Street, Suite A-102
Columbia, South Carolina 29201
(803) 254-7745

Columbia, South Carolina
November 30, 2005